

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

MELTON SAMUELS *
*
Plaintiff, * CV 108-160
*
vs. *
*
CSX TRANSPORTATION, INC., *
*
Defendant. *

ORDER

Under Local Rule 41.1, the Court may, after notice to counsel of record, dismiss any action with or without prejudice for want of prosecution if a party (1) fails to comply with an order compelling discovery; (2) willfully disobeys or neglects any order of the Court; or (3) fails to prosecute the action with reasonable promptness. Upon a review of the record, the Court notes a pattern by the Plaintiff of failure to comply with the orders of this Court, and to reply to Defendant's motions, and otherwise prosecute this action. For instance, on February 3, 2009, the Court granted Plaintiff's former counsel leave to withdraw. (See Doc. no. 41 at 1.) The Court directed Plaintiff to retain new counsel or file a motion to proceed *pro se* within forty-five days. This 45 day period expired,

and Plaintiff neither retained new counsel nor filed a motion to proceed *pro se*. On April 1, 2009, the Court granted Defendant's motion to compel Plaintiff's response to Defendant's discovery request. (Doc. no. 57 at 2-3.) Plaintiff failed to comply with this Order, and according to Defendant, has not communicated with defense counsel at all. Finally, Defendant filed a motion for summary judgment on March 20, 2009. (Doc. no. 47.) On that same day, the Clerk issued a Griffith¹ notice, informing Plaintiff of Defendant's motion. (Doc. no. 49.) Plaintiff failed to respond to this motion within the time allotted.

On August 7, 2009, this Court ordered Plaintiff to show cause by 5:00 p.m. August 27, 2009 as to why this case should not be dismissed for failure to prosecute. Plaintiff has not responded to this Order. Accordingly, this action is **DISMISSED WITHOUT PREJUDICE** for Plaintiff's failure to prosecute. The Clerk is directed to terminate all motions and **CLOSE** the case.

ORDER ENTERED at Augusta, Georgia, this 28th day of August, 2009.


HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA

¹ Griffith v. Wainwright, 772 F.2d 822, 825 (11th Cir. 1985) (per curiam).